

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS WEYER,

Defendant.

No. CR17-081-RSL

~~PROPOSED~~

**PRELIMINARY ORDER OF  
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Thomas Weyer's interest in the following property:

- One Winchester Model 200 12-gauge short-barreled shotgun and all associated ammunition.

The Court, having reviewed the papers and pleadings filed in this matter, including the United States' Motion, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified shotgun is forfeitable pursuant to 26 U.S.C. § 5872 and 28 U.S.C. § 2461(c), as it was involved in a violation of 26 U.S.C. § 5861(d);

- Pursuant to the plea agreement he entered on April 20, 2017, the Defendant has agreed to forfeit the shotgun and associated ammunition (Dkt. No. 23, ¶ 9).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to his plea agreement, 26 U.S.C. § 5872, and 28 U.S.C. § 2461(c), the Defendant's interest in the above-identified shotgun and ammunition is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to the Defendant at the time he is sentenced; it will be made part of the sentence; and, it will be included in the judgment;

3) The United States Department of Justice, and/or its authorized agents or representatives, shall maintain the shotgun and ammunition in its custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of this firearm as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the above-identified firearm, the United States shall, to the extent possible, also provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the firearm must file a petition with the Court within 60 days of the first day of publication of the notice (which is 30 days from the last day of publication), or within 30 days of receipt of direct written notice, whichever is earlier.

The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the shotgun and ammunition;
- b. shall be signed by the petitioner under penalty of perjury; and,


1 c. shall set forth the nature and extent of the petitioner's right, title or interest  
2 in the shotgun and ammunition, as well as any facts supporting the  
3 petitioner's claim and the specific relief sought.

4 5) If no third-party petition is filed within the allowable time period, the  
5 United States shall have clear title to the shotgun and ammunition, and this Preliminary  
6 Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P.  
7 32.2(c)(2);

8 6) If a third-party petition is filed, upon a showing that discovery is necessary to  
9 resolve factual issues it presents, discovery may be conducted in accord with the Federal  
10 Rules of Civil Procedure before any hearing on the petition is held. Following  
11 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
12 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
13 adjudication; and,

14 7) The Court will retain jurisdiction for the purpose of enforcing this  
15 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
16 Forfeiture, and amending the Preliminary or Final Order as necessary pursuant to Fed. R.  
17 Crim. P. 32.2(e).

18 DATED this 11<sup>th</sup> day of July, 2017.

21   
22 THE HON. ROBERT S. LASNIK  
23 UNITED STATES DISTRICT JUDGE  
24  
25 ///  
26  
27 ///  
28

1 Presented by:

2 

3 MICHELLE JENSEN

4 Assistant United States Attorney

5 United States Attorney's Office

6 700 Stewart Street, Suite 5220

7 Seattle, WA 98101-1271

8 (206) 553-2242

9 Michelle.Jensen@usdoj.gov